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EXAMINER

BONZO, BRYCE P

ART UNIT	PAPER NUMBER
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2114

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,657

Applicant(s)

HAMMOND ET AL.

Examiner

Bryce P Bonzo

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2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 10-24 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

FINAL OFFICIAL ACTION

Status of the Claims

Claims 1-3 and 5-9 are rejected under 35 USC §102.

Claims 1-3 and 5-9 are rejected under 35 USC §112.

Claims 2, 6 and 7 are rejected under 35 USC §103.

Claim 4 and 10-24 are allowed.

Objections to the Claims

The objection to claim 5 is removed.

Rejections under 35 USC §112, second paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 5-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 (amended) recites:

at least one of a combination of an entry time of the critical state and an exit time of the critical state, and a duration of time as a difference between the entry time and the exit time of the critical state.

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The Examiner is unable to ascertain with any certainty to what the above grouping limits the invention. The Examiner is unable to determine if:

I. Applicant is seeking to claim reporting (**both** the entry **and** exit times) **OR** (a duration).

II. Applicant is seeking to claim (the entry time **and** duration) **OR** (the exit time **and** duration).

III. The duration as defined in the claim is combination of the entry and exit time (the difference) and as such the Examiner is confused by this double inclusion.

IV. The Examiner is confused by the *at least one of* phrase when used with the term *combination*. The Examiner is uncertain if a valid choice of scope would a single element (a combination of a single element) or two elements are required to form a valid combination (both the entry and exit times).

In an effort to advance prosecution the Examiner has interpreted the passage to require at least one of: an entry time, an exit time or a duration defined by the difference of the exit and entry time.

Rejections under 35 USC §102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Beheshti (United States Patent No. 5,955,946).

As per claim 1, Beheshti discloses:

A notification system for at least one power supply coupled to a computer network and adapted to transmit data over the computer network when the at least one power supply undergoes an entry of a critical state, the notification system comprising (column 10, lines 37-41 and column 9, lines 55-56):

a computer system connected to the computer network, the computer system being adapted to (column 1, lines 5-9):

monitor information transmitted over the computer network and detect an occurrence of the data being associated with the entry of the critical state (column 8, lines 49-59);

store information relating to the data being associated with the entry and exit of the critical state (column 10, lines 50-62); and

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report over the computer network information relating (column 9, lines 43-46) at least one of a combination of an entry time of the critical state and an exit time of the critical state, and a duration of time as a difference between the entry time and the exit time of the critical state (figure 13, displays times when critical states for monitored devices were entered; as stated above in the rejections under 35 USC §112, the claim while lacking in clarity was examined to the best of the Examiner's ability)

As per claim 3, Beheshti discloses:

a computer coupled to the at least one power supply and having a network card coupled to the computer network (column 8, lines 6-24).

As per claim 5, Beheshti discloses:

the at least one power supply coupled to the computer network (column 7, lines 43-52; column 9, lines 41-67).

As per claim 8, Beheshti discloses:

wherein the data being associated with the entry of the critical state is packetized data (column 8, lines 6-25: Ethernet and modems transmit packetized data, further more, SNMP is a member of the TCP/IP protocol suite which is packetized).

As per claim 9, Beheshti discloses:

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wherein the data being associated with the entry of the critical state is a trap (column 8, lines 46-59 describe the SNMP trap; Figures 4 and 12).

Rejections under 35 USC §103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6 and 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beheshti.

As per claim 2, Beheshti discloses all the limitations of claim 1 as provided above. Beheshti does not explicitly disclose:

wherein the power supply includes a network card coupled to the computer network for communicating with the computer network.

The Examiner asserts that it is well known and practiced in the art to provide add-in network cards to power supplies to enable communication on a network without the power supply communicating through an intermediary computer. This is done to allow direct communication and monitoring of the power supply. This allows the network administrator direct access to the power supply via the network, and removes any point of failure that may have resulted from failed intermediary computer which would falsely indicate a failed power supply out of communication. Further, having the power supply directly

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integrated into the network power via its own network card allows supply to be monitored when supplying power to devices which themselves do not have network access. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to provide the well known network card for power supplies into the system of Beheshti which explicitly is for remote and distributed systems which may sustain power fluctuations, thereby allowing increased communication to the centralized server.

As per claim 6, Beheshti discloses all the limitations of claim 1 as provided above. Beheshti does not explicitly disclose:

wherein the critical state is a loss of output power of a battery.

The Examiner asserts that the use of a battery as a power supply is notoriously well known. Batteries provide energy storage for times when external power is not available. Often systems will contain multiple layers of batteries to ensure against power failure. Remote stations often have many tiers of power back up as they, being remote these stations consume significant resources and time to repair. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to implement the power supply which is monitored in Beheshti as a battery, as this batteries are a prime choice for use remote and distributed environments. Beheshti his invention as being particularly well suited to such systems (column 11, lines 29-33).

As per claim 7, Beheshti discloses all the limitations of claim 1 as provided above. Beheshti does not explicitly disclose:

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wherein the critical state is a loss of communication with a power supply.

The Examiner asserts monitoring for a loss of communication with a power supply in a system designed to monitor a power supply is notoriously well known in the art and to its practitioners. The knowledge of whether a device under monitoring is actually communicating with the monitor is fundamental to monitoring the device, particularly in a system where the device provides the monitor the status information such as Beheshti. Thus it would have been obvious to one of ordinary skill in the art at the time of invention to include a function to determine whether or not a power supply has lost communication with a monitor into the monitoring system of Beheshti and therefore provide the most rudimentary monitoring function (Is what I am monitoring even there?) in addition to monitoring fine details such as power fluctuations.

Final Disposition

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryce P Bonzo whose telephone number is (703) 305-4834. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bryce P Bonzo
Examiner
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